

ENTERED

December 18, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CVR ENERGY INC,

Plaintiff,

VS.

AMERICAN ZURICH INSURANCE
COMPANY, *et al*,

Defendants.

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CIVIL ACTION NO. 4:17-CV-01284

**ORDER ADOPTING REPORT AND RECOMMENDATION ON
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

On April 18, 2018, this matter was referred to United States Magistrate Judge Dena Palermo to conduct all further proceeding pursuant to 28. U.S.C. § 636. [Order, DE 38]. Pending before Judge Palermo was the defendant's motion for summary judgment. [DE 45]. On November 27, 2018, United States Magistrate Judge Dena Hanovice Palermo filed a Report and Recommendation ("R&R") recommending that Defendants' motion for summary judgment be denied. [DE 63]. Defendants filed objections to the R&R on December 11, 2018. [DE 64].

Having conducted a *de novo* review of the portions of the R&R to which Defendants have objected, the evidence and briefing submitted in connection with the summary judgment motion, and the objections, the Court fully agrees with Judge Palermo's R&R. Accordingly, it is ORDERED that:

1. The Defendant's objections are OVERRULED.

2. Judge Palermo's R&R is ADOPTED in its entirety as the holding of the Court.

3. Defendant's motion for summary judgment is DENIED.

It is so ORDERED.

SIGNED on this 18th day of December, 2018.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt
United States District Judge